IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 902 OF 2004

IN

SUM. SUIT NO. 2399 OF 2004

Vijay Shamrao Chachad ... Plaintiff.

vs.

Rajendra R. Gandhi ... Defendant.

Mr. Dinkar Hurgund for the plaintiff.

Mr. M.S. Kadu for defendant.

CORAM : S.U. KAMDAR, J.

DATED : 25TH OCTOBER, 2005.

P.C.

. The present suit is filed on a dishonoured cheque and confirmation Exhibit E to the plaint. There is no dispute as to the receipt of the aforesaid amount and the fact that it is payable by the defendant to the plaintiff. The only dispute raised is in respect of the payment of Rs. 50,000/- which is paid to the wife of the plaintiff. However, the defendant contents that the same was made in the plaintiff's account. In my opinion, the contention raised is bogus because the cheque is

admittedly issued in the name of the wife and not in the name of the plaintiff. However, with a view to give an opportunity to the defendant to defend the suit, I direct the defendant to deposit in this Court a sum of Rs. 3 lacs within a period of four weeks from today, failing which the plaintiff will be entitled to decree as prayed. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

3. Summons for judgment disposed of accordingly. No order as to costs.